

## Comment Letter S2

STATE OF CALIFORNIA

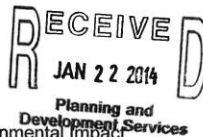
Edmund G. Brown, Jr., Governor

**NATIVE AMERICAN HERITAGE COMMISSION**  
 1550 Harbor Boulevard, Suite 100  
 West Sacramento, CA 95601  
 (916) 373-3715  
 Fax (916) 373-5471  
 Web Site www.nahc.ca.gov  
 E-mail: ds\_nahc@pacbell.net



January 16, 2014

Mr. Robert Hingtgen, Environmental Planner  
**County of San Diego planning &  
 Development Services Department**  
 5510 Overland Avenue, Suite 310, MS O-850  
 San Diego, CA 92123



RE: SCH#2012121018 CEQA Notice of Completion; draft Environmental Impact  
 Report (DEIR) for the **"Soitec Solar Development Program  
 Environmental Impact Report Project;"** located in the Boulevard-Tierra  
 Del Sol; Mountain Empire Region; eastern San Diego County, California

Dear Mr. Hingtgen:

The Native American Heritage Commission (NAHC) has reviewed the  
 above-referenced environmental document.

The California Environmental Quality Act (CEQA) states that any project  
 which includes archeological resources, is a significant effect requiring the  
 preparation of an EIR (CEQA guidelines 15064.5(b)). This area is known to local  
 tribes and to the NAHC as very culturally sensitive. There are a number of  
 recorded sacred sites near the project site(s). To adequately comply with this  
 provision and mitigate project-related impacts on archaeological resources, the  
 Commission recommends the following actions be required:

Lead agencies should include in their mitigation plan provisions for the  
 identification and evaluation of accidentally discovered archeological resources,  
 pursuant to California Environmental Quality Act (CEQA) §15064.5(f). In areas  
 of identified archaeological sensitivity, a certified archaeologist and a culturally  
 affiliated Native American, with knowledge in cultural resources, should monitor  
 all ground-disturbing activities. Also, California Public Resources Code Section  
 21083.2 require documentation and analysis of archaeological items that meet  
 the standard in Section 15064.5 (a)(b)(f).

We suggest that this (additional archaeological activity) be coordinated  
 with the NAHC, if possible. The final report containing site forms, site  
 significance, and mitigation measures should be submitted immediately to the  
 planning department. Any information regarding site locations, Native American  
 human remains, and associated funerary objects should be in a separate

S2-1

## Response to Comment Letter S2

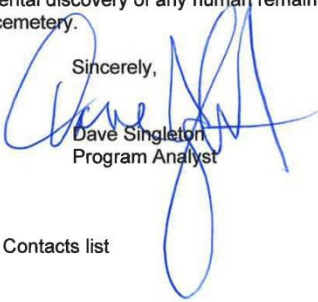
## Native American Heritage Commission

Dave Singleton

January 22, 2014

S2-1

The County of San Diego appreciates this comment. The proposed project is conditioned with an archaeological monitoring program that includes both a County approved archaeologist and Kumeyaay Native American monitor. The monitoring program requires curation of artifacts at a San Diego County curation facility or culturally affiliated Tribal curation facility. In lieu of curation, the prehistoric artifacts may be returned to a culturally affiliated Native American Tribe. A final report will also be required whether the monitoring is positive or negative. A copy of the final report will be forwarded to the Native American Heritage Commission (NAHC) and confidential information will not be made available for public disclosure. No revisions to the environmental document are required based on this comment.

<p>confidential addendum, and not be made available for public disclosure pursuant to California Government Code Section 6254.10.</p> <p>A list of appropriate Native American Contacts for consultation concerning the project site has been provided and is attached to this letter to determine if the proposed active might impinge on any cultural resources.</p> <p>California Government Code Section 65040.12(e) defines "environmental justice" to provide "fair treatment of People...with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations and policies." (The California Code is consistent with the Federal Executive Order 12898 regarding 'environmental justice.' Also, applicable to state agencies is Executive Order B-10-11 requires consultation with Native American tribes their elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.</p> <p>Lead agencies should consider first, avoidance for sacred and/or historical sites, pursuant to CEQA Guidelines 15370(a). Then if the project goes ahead then, lead agencies include in their mitigation and monitoring plan provisions for the analysis and disposition of recovered artifacts, pursuant to California Public Resources Code Section 21083.2 in consultation with culturally affiliated Native Americans.</p> <p>Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.</p> <p>Sincerely,    Dave Singleton  Program Analyst</p> <p>CC: State Clearinghouse</p> <p>Attachment: Native American Contacts list</p>	<p><b>S2-2</b></p> <p>The County concurs with this comment and has engaged in appropriate tribal consultation. Letters to the NAHC were sent on November 7, 2011, and the NAHC replied on November 18, 2011. Additional letters to tribal contacts were sent on June 18, 2012, July 5, 2012, and March 5, 2012. Furthermore, the County initiated SB-18 consultation on April 10, 2014. The NAHC replied on April 11, 2014 and letters requesting input from the Native American community were forwarded on April 14, 2014. To date, nor response has been received from any contacted Tribe. No revisions to the environmental document are required based on this comment.</p> <p><b>S2-3</b></p> <p>The County concurs with this comment. The Archaeological Monitoring condition includes language that avoidance of cultural sites including sacred sites should be considered first. If avoidance is not feasible, then data recovery is identified as an appropriate measure. Furthermore, the Monitoring Program also includes the requirement that State Law be followed in the event that human remains are discovered. No revisions to the environmental document are required based on this comment.</p>
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**Native American Contacts  
San Diego County California  
January 16, 2014**

Barona Group of the Capitan Grande  
Clifford LaChappa, Chairperson  
1095 Barona Road Diegueno  
Lakeside , CA 92040  
sue@barona-nsn.gov  
(619) 443-6612  
619-443-0681

Sycuan Band of the Kumeyaay Nation  
Daniel Tucker, Chairperson  
5459 Sycuan Road Diegueno/Kumeyaay  
El Cajon , CA 92019  
ssilva@sycuan-nsn.gov  
619 445-2613  
619 445-1927 Fax

La Posta Band of Mission Indians  
Gwendolyn Parada, Chairperson  
PO Box 1120 Diegueno/Kumeyaay  
Boulevard , CA 91905  
gparada@lapostacasino.  
(619) 478-2113  
619-478-2125

Viejas Band of Kumeyaay Indians  
Anthony R. Pico, Chairperson  
PO Box 908 Diegueno/Kumeyaay  
Alpine , CA 91903  
jhagen@viejas-nsn.gov  
(619) 445-3810  
(619) 445-5337 Fax

Manzanita Band of Kumeyaay Nation  
Leroy J. Elliott, Chairperson  
PO Box 1302 Diegueno/Kumeyaay  
Boulevard , CA 91905  
ljbirdsinger@aol.com  
(619) 766-4930  
(619) 766-4957 Fax

Kumeyaay Cultural Historic Committee  
Ron Christman  
56 Viejas Grade Road Diegueno/Kumeyaay  
Alpine , CA 92001  
(619) 445-0385

San Pasqual Band of Mission Indians  
Allen E. Lawson, Chairperson  
PO Box 365 Diegueno  
Valley Center, CA 92082  
allenl@sanpasqualband.com  
(760) 749-3200  
(760) 749-3876 Fax

Campo Band of Mission Indians  
Ralph Goff, Chairperson  
36190 Church Road, Suite 1 Diegueno/Kumeyaay  
Campo , CA 91906  
chairgoff@aol.com  
(619) 478-9046  
(619) 478-5818 Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed SSC#H2012121018; CEQA Notice of Completion; draft Environmental Impact Report (DEIR) for the Soltec Solar Development Program Environmental Impact Report Project; located in the Boulevard-Tierra Del Sol area of eastern San Diego County, California.

## References

14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

California Public Resources Code, Section 5097.98. Notification of Discovery of Native American Human Remains, Descendants; Disposition of Human Remains and Associated Grave Goods. <http://www.nahc.ca.gov/cpr.html>.

**Native American Contacts  
San Diego County California  
January 16, 2014**

Jamul Indian Village  
Raymond Hunter, Chairperson  
P.O. Box 612  
Jamul, CA 91935  
jamulrez@sctdv.net  
(619) 669-4785  
(619) 669-48178 - Fax

Diegueno/Kumeyaay

Viejas Band of Kumeyaay Indians  
ATTN: Julie Hagen, cultural Resources  
P.O. Box 903  
Alpine, CA 91903  
jhagen@viejas-nsn.gov  
(619) 445-3810  
(619) 445-5337

Diegueno/Kumeyaay

Mesa Grande Band of Mission Indians  
Mark Romero, Chairperson  
P.O. Box 270  
Santa Ysabel, CA 92070  
mesagrandeband@msn.com  
(760) 782-3818  
(760) 782-9092 Fax

Diegueno

Ewilaapaayp Tribal Office  
Will Micklin, Executive Director  
4054 Willows Road  
Alpine, CA 91901  
wmicklin@leaningrock.net  
(619) 445-6315 - voice  
(619) 445-9126 - fax

Diegueno/Kumeyaay

Kwaaymii Laguna Band of Mission Indians  
Carmen Lucas  
P.O. Box 775  
Pine Valley, CA 91962  
(619) 709-4207

Diegueno -

Ipay Nation of Santa Ysabel  
Clint Linton, Director of Cultural Resources  
P.O. Box 507  
Santa Ysabel, CA 92070  
cjlinton73@aol.com  
(760) 803-5694  
cjlinton73@aol.com

Diegueno/Kumeyaay

Inaja Band of Mission Indians  
Rebecca Osuna, Chairman  
2005 S. Escondido Blvd.  
Escondido, CA 92025  
(760) 737-7628  
(760) 747-8568 Fax

Diegueno

Kumeyaay Diegueno Land Conservancy  
Mr. Kim Bactad, Executive Director  
2 Kwaaypaay Court  
El Cajon, CA 91919  
(619) 445-0238 - FAX  
(619) 659-1008 - Office  
kimbactad@gmail.com

Diegueno/Kumeyaay

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**Native American Contacts  
San Diego County California  
January 16, 2014**

Inter-Tribal Cultural Resource Protection Council  
Frank Brown, Coordinator; Viejas THPO  
240 Brown Road Diegueno/Kumeyaay  
Alpine, CA 91901  
frbrown@viejas-nsn.gov  
(619) 884-6437

Kumeyaay Cultural Repatriation Committee  
Bernice Paipa, Vice Spokesperson  
1095 Barona Road Diegueno/Kumeyaay  
Lakeside, CA 92040  
(619) 478-2113  
(KCRC is a Coalition of 12  
Kumeyaay Governments)  
bp@lapostatiribe.com

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